

USDA Foreign Agricultural Service

GAIN Report

Global Agricultural Information Network

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India

Post: New Delhi

Draft Labeling and Display Regulations Invite WTO

Member Comments

Report Categories:

Sanitary/Phytosanitary/Food Safety

Exporter Guide

Food and Agricultural Import Regulations and
Standards - Narrative

Biotechnology and Other New Production
Technologies

Fresh Fruit

Tree Nuts

Sugar

Retail Foods

Dairy and Products

Livestock and Products

Oilseeds and Products

Beverages

Coffee

Honey

Food Service - Hotel Restaurant Institutional

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Report Highlights:

India notified its 2018 draft labeling and display regulations and invited comments from the World Trade Organization (WTO) members. The comment period for trading partners expires 60 days beyond the notification date listed on the WTO website www.wto.org.

General Information:

DISCLAIMER: The information contained in this report was retrieved from the Food Safety and Standard Authority of India's (FSSAI) website <http://www.fssai.gov.in/>. The Office of Agricultural Affairs, USDA and/or the U.S. Government make no claim of accuracy or authenticity.

On April 11, 2018, the Food Safety and Standards Authority of India (FSSAI) published a draft notification on the Food Safety and Standards (Labeling and Display) Regulations, 2018. The draft notification invites comments from the WTO member countries, which would expire 60 days from the date it is published on the WTO website (www.wto.org).

Major revisions from the 2011 Labeling Regulations in comparison with the current notification of April 11 are listed below. It is recommended that interested parties review the current [2018 Draft Regulation](#) along with the [Compendium of Food Safety and Standards \(Packaging and Labeling\) Regulations](#) document.

1. The revised title of the Regulation is 'Food Safety and Standards (Labeling and Display) Regulations, 2018'
2. The following have been added to the list of definitions in the Regulation
 - Compound food
 - E-commerce
 - Foods for catering purposes
 - High fat, sugar, salt (HFSS) food
 - Non-retail containers
 - Recommended Dietary Allowances
 - Retail Pack
3. Besides milk and milk products; honey, bees wax, carnauba wax and shellac wax are also exempted from the category of non-vegetarian food.
4. The Indian Council of Medical Research (ICMR) drafted recommended dietary allowances (RDA) are used for reference values. If Indian RDA is not available for any nutrient, values provided in Codex/WHO Guidelines will apply.
5. "Wholesale Package" definition has been deleted from the Regulation.
6. Certain additions have been made to the general requirements on the labeling of prepackaged food:
 - a. When a food product is sold through e-commerce or any other direct selling means, the mandatory requirements of the label as given in these regulations shall be provided to the consumer through appropriate means before sale.
 - b. Any information or pictorial device written, printed or graphic matter may be displayed on the label provided that it is not in conflict with the requirements of the regulations.

7. The 'Nutritional Information' labeling requirement has been fully revised and is now more comprehensive in order to incorporate front-of-pack (FOP) labeling. Similarly, there is also a mention of categories that does not require the nutritional information labeling, unless nutrition or a health claim is made on the label. Such categories include single ingredient products such as sugar, jaggery (crude sugar in lump form), salt, spices, water; non-nutritive products like coffee, tea, condiments, etc.; packaged fresh produce like fresh fruits and vegetables, fresh seafood, eggs and fresh meat.
8. Calculation of nutrients as a part of FOP labeling is also provided in the draft notification.
9. The vegetarian logo has been revised from green dot to a green triangle as shown below, and details on the size specifications are provided in the draft notification.



10. A new logo shown below has been introduced for package of food material that is not meant for human consumption.



11. The labeling requirement of 'net quantity' has been revised to read as 'net quantity, retail sale price and consumer care details' and the declaration under this category will be as provided in the Legal Metrology Act, 2009 and the Rules made there under.
12. Notable revisions on 'Date Marking' labeling requirements are:
 - 'Best before' is optional or additional information
 - Any special conditions for the storage of the food are to be declared on the label if the validity of the date depends thereon. If required, storage conditions after opening the pack can also be specified.
 - 'Expiry' Date is not required for fresh fruits and vegetables, including potatoes which have not been peeled, cut or similarly treated; all types of wine; alcoholic beverages containing 10 percent or more by volume of alcohol; vinegar; hard boiled confectionery; food grade salt for industrial use; solid sugars; and chewing gum.
 - 'Date of manufacture or packaging' and 'Expiry/Use by' dates shall be grouped together and displayed in one place.
13. In the principal display panel, for cylindrical, nearly cylindrical, round or nearly round, oval or nearly oval package, the product height and average circumference of the package is now forty percent instead of twenty percent. Similarly, the package capacity for the principal display panel has been increased from five to ten cubic centimeters.
14. The following labeling information is required to be declared on the Front of Package (FOP). However, readers are advised to go through the extensive details covered on FOP in the Regulation.
 - a. Name of Food; (b) Declaration regarding vegetarian or non-vegetarian; and (c) Per serving contribution of energy, total fat, trans fat, total sugar and salt (sodium chloride) to recommended dietary allowance (RDA) as per the format indicated below.

Calories 400	Total Fat 6.7 g	Trans fat 0.1 g	Total sugar 16 g	Salt 1 g	} Part 1 } Part 2
20 %	10 %	5 %	32 %	20 %	

Part 1: Declares the amount of energy, total fat, trans fat, total sugar and salt (sodium chloride) per serve;

Part 2: Declares the per serve percentage (%) contribution to RDA as provided under regulation 4.2 (3) (b);

15. A 'Mandatory Declaration' is required for all packaged food containing ingredient and/or additives listed in schedule IV of the Regulation and the same shall be prominently displayed on the label.
16. The following labeling requirements are exempted if they are provided in a barcode/global trade identification number (GTIN):
 - a. Address of the brand owner and multiple units where manufacturing, bottling or packing is taking place.
 - b. License numbers of the multiple units where manufacturing, bottling or packing is taking place.
17. In case of imported package food consignments, an additional dispensation (as given in (d) below) on labeling has been allowed for rectifiable labeling deficiencies at the custom bonded warehouse. The list of rectifiable labeling deficiencies is now as follows:
 - a. Name and address of the importer
 - b. FSSAI logo and license number
 - c. Veg/Non-veg logo
 - d. Category or subcategory along with generic name, nature and composition for proprietary food.
18. Two new chapters on 'Labeling requirements of non-retail container' and 'Labeling of food additives when sold as such' have been added and both the chapters are pasted below for easy reference

CHAPTER 3

8. Labelling Requirements of non-retail container

(1) Every packaged food meant for non-retail sale shall provide the following mandatory information either on the container or on the label attached thereto:

- (a) Name of the food;
- (b) Net Quantity;
- (c) FSSAI Logo and License number;
- (d) Date marking;
- (e) Lot No.

(2) The following information if not provided on the label shall be provided in the accompanying documents:

- (a) List of ingredient along with their source as Veg or Non-Veg
- (b) Nutritional information
- (c) List of food additives
- (d) Name and address of the manufacturer or packer (including country of origin for imported packages)

(3) Every package meant for non- retail sale shall bear a statement "NOT FOR RETAIL SALE".

CHAPTER 4

LABELLING OF FOOD ADDITIVES WHEN SOLD AS SUCH

9. Labelling of packaged Food Additives for Retail Sale

(1) Every package of a food additive meant for retail sale to the consumer shall be labelled in accordance with the Food Safety and Standards (Labelling) Regulations, 2017 except for sub-regulation 4.2(1) and 4.2(3) of this regulation.

(2) Additionally the label of every package of food additive shall provide the following information under these regulations:

(a) Name of Food Additive.- The specific name as mentioned in Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011 and amendments thereof shall be used.

Provided that:

- (i) Where such a name is not listed in the aforementioned clause the name established in international regulations shall be used or
- (ii) In other cases the common or commercial name shall be used
- (iii) In the case of synthetic food colours the chemical name and the colour index of the dye stuff.

(iv) If two or more food additives are present in the package, their names shall be listed in the descending order of their composition by weight or volume. Where one or more of the food additives is subject to a quantitative limitation in a food covered by Food Safety and Standards (Food Products Standards and Food Additives) Regulations 2011, and amendments thereof, the quantity or proportion of that additive shall be stated. If food ingredients are part of the preparation, they shall be declared in the list of ingredients in descending order of proportion by weight.

(b) Other Mandatory Declarations:

- (i) Every package of a food additive sold in retail or non-retail sale shall be marked prominently with the words "FOR FOOD USE".
- (ii) In the case of mixtures of flavourings, the name of each flavouring present in the mixture need not be given but a common or generic expression "flavour" or "flavouring" may be used, together with a true indication of the nature of the flavour.

The expression "flavour" or "flavouring" shall be qualified by the words "natural", "nature-identical", "artificial", or a combination of these words, as appropriate. Provided that this qualifier does not apply to flavour modifiers.

10. Labelling of Pre-packaged Food Additives Sold other than by Retail

Every package of a food additive meant for sale other than by Retail shall carry label in accordance to chapter 3 and regulation 9 of these regulations.

11. The provision of these regulations shall supersede, if repugnant to labelling requirement prescribed in any regulations made under the FSS Act, 2006.

In addition to the above, readers may also refer to the following schedules detailed in the Regulations.

Schedule I: Nutrient Threshold for Food Categories

Schedule II: Exempted Food Categories (from color coding)

Schedule III: Logo for fortified and organic foods

Schedule IV:

1. List of Ingredients/additives requiring mandatory declarations
2. Specific requirements/restrictions on manner of labeling for
 - a. Infant milk substitute and infant food
 - b. Edible oils
 - c. Coffee-Chicory
 - d. Milk and milk products
 - e. Packaged drinking water and packaged mineral water
 - f. 'Gluten Free' or 'Low Gluten'
 - g. Genetically Engineered or Modified Foods
 - h. Alcoholic Beverages

Comments, if any, within 60 days from the date of notification in WTO website, should be sent to:

The Chief Executive Officer

Food Safety and Standards Authority of India

3rd Floor, Food and Drug Administration Bhawan, Kotla Road

New Delhi – 110002

Email: spstbt.enqpt@fssai.gov.in

Details of Notification:

- Date of Publication on FSSAI website: April 11, 2018
- Final date for comments from WTO members: 60 days from the date notified on WTO website

Agency in Charge: Food Safety and Standards Authority of India, Ministry of Health and Family Welfare, GOI.

The full text of the Regulations can be accessed at: [2018 Labeling and Display Regulations](#) and is also available on FSSAI's website: <http://www.fssai.gov.in/>.